

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1282V

MARYANN AMICUCCI,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 21, 2024

Rudolph L. Massa, Massa Law Group, Pittsburgh, PA, for Petitioner.

Katherine Carr Esposito, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On September 25, 2020, Maryann Amicucci filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.² (the "Vaccine Act"). Petitioner alleged that she suffered a shoulder injury related to vaccine administration after an influenza vaccine. Petition, ECF No. 1. On September 19, 2023, I issued a decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 48.

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Petitioner has now filed a motion for attorney's fees and costs, requesting an award of \$16,965.67 (representing \$16,221.50 in fees, plus \$744.17 in costs). Petitioner's Application for Fees and Costs ("Motion") filed March 7, 2024, ECF No. 53. Furthermore, Petitioner filed a signed statement representing that she incurred no personal out-of-pocket expenses as all costs were incurred by counsel for Petitioner. ECF No. 53-3.

Respondent reacted to the motion on March 12, 2024, reporting that he is satisfied that the statutory requirements for an award of fees and costs are met in this case, but deferring resolution of the amount to be awarded to my discretion. Respondent's Response to Motion at 2-3, ECF No. 54. Petitioner filed no reply thereafter.

Additionally, Petitioner is requesting hourly rates for attorneys and paralegals that performed work in this matter as follows:

	2021	2022	2023
Rudolph Massa, Esq.	\$420	\$450	\$480
Gary Butler, Esq.	X	\$460	\$490
Robert Fitzgerald, Esq.	X	\$250	\$265
Paralegals	\$155	\$165	\$170

I find the requested rates to be reasonable and consistent with our prior determinations and shall therefore be adopted herein. And all time billed to the matter was also reasonably incurred. Furthermore, Petitioner has provided supporting documentation for all claimed costs. ECF No. 53-2. I find the requested costs reasonable and hereby award them in full.

CONCLUSION

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$ 16,965.67 (representing \$16,221.50 in fees, plus \$744.17 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel, Rudolph L. Massa.** In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this Decision.³

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master